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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,270	12/06/2001	Michael Skala	P-3767-US	3848
49443	7590	02/23/2006	EXAMINER	
PEARL COHEN ZEDEK, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036			REKSTAD, ERICK J	
			ART UNIT	PAPER NUMBER
			2613	
DATE MAILED: 02/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/004,270	Applicant(s) SKALA ET AL.	
	Examiner Erick Rekstad	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is an Office Action for application no. 10/004,270 in response to the RCE filed on November 21, 2005 where in claims 1, 2, 4-6, and 8-10 are presented for examination.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 4-6 and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,604,531 to Iddan et al. in view of US Patent 4,786,982 to Wakahara et al.
[claims 1 and 9]

As shown in Figure 1, Iddan teaches a method for observing an image stream, the method comprising:

Accepting images acquired by a swallowable in-vivo device (10) disposed within a body lumen; (Note: Fig. 1 states the swallowable in-vivo device is a capsule as required by claim 9)

Displaying the images on a monitor(18) in the form of a moving image (Col 3 Lines 12-26, Col 4 Lines 56-62).

Iddan further teaches the storage of the video using a storage unit (19) prior to its processing (Col 3 Lines 23-26 and Col 4 Lines 55-62). Iddan does not specifically teach the type of storage used. It would have been obvious to one of ordinary skill in the art at the time of the invention to record the video on a tape as this is a well know medium to temporarily store video (Official Notice). Iddan does not teach accepting a pause signal to halt a movement of said image and accepting a directional signal from a wheel after said movement of said image has halted. Iddan further does not teach altering the direction or speed of the display of the moving image according to the directional signal.

As shown in Figure 1, Wakahara teaches the use of a VTR to play video stored on tapes (Col 4 Lines 52-64). As shown in Figure 13, Wakahara teaches the accepting a pause signal (1014) to halt a movement of said images and accepting a directional signal from a wheel (20, Fig. 1) after said movement of said images has halted (1016, 1018 and 1020) (Col 11 Line 31-Col 12 Line 60). Wakahara further teaches altering the direction or speed of the display of the moving image according to directional signal (Col 11 Line 31-Col 12 Line 60). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the VTR of Wakahara with the stored video of Iddan in order to view the stored video at a later time and at a desired speed as taught by Wakahara.

[claims 2 and 6]

Wakahara teaches the moving the wheel a set distance from a center point causes the moving image to be displayed at a variable speed, the speed being based on the distance from said center point (Col 6 Lines 38-51, Col 11 Line 34-Col 12 Line 20, Fig. 8).

[claims 4 and 5]

Wakahara further teaches the use of the wheel (20) for moving the images frame by frame by moving the wheel at a set distance (each given angle) (Col 12 Lines 53-60).

[claim 8]

Wakahara teaches the use of the wheel (20) as shown in Figure 1. Wakahara further teaches by scrolling the wheel clockwise or counter-clockwise the video is scrolled through in a forward or reverse direction (Col 12 Lines 53-60). It would have been obvious to one of ordinary skill in the art at the time of the invention that the wheel of Wakahara is a scrolling wheel because it is used to scroll through the video as taught by Wakahara.

[claim 10]

Iddan further teaches the use of the capsule for imaging the digestive tract (Col 1 Lines 50-54).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 4,539,603 to Takeuchi et al.

US Patent 4,428,005 to Kubo.


US Patent 5,351,161 to MacKay et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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